

THE DESERET NEWS.

ELIAS SMITH...EDITOR AND PUBLISHER.

Wednesday.....August 31, 1859.

The Indian War at the North.

At latest dates from the north, the troops sent from Camp Floyd to operate against the Indians, having been joined by Major Lynde's command, lately returned from the Humboldt, were encamped at the Ford of Bear River...

Having been informed that five or six Indians had been seen in Box Elder Valley, on the morning of the 21st, by some men returning to Cache Valley from Brigham City...

The time was when the settlers and pioneers of any wilderness portion of the United States were protected against the depredations of civilized or savage foes...

THE RECENT MURDER.—It is with feelings of disgust that we have to announce in this number that another murder has been committed in this city where, till a system of fashionable morals was introduced in the summer of 1858...

This is a deplorable state of affairs and the sooner the end thereof comes, the better it will be even for those who seem to be in the height of their glory...

what they please, though it may tend directly or indirectly to death, not only to themselves but to those with whom they associate or by whom they may be surrounded.

We do not object to the free exercise of all the rights guaranteed to man, but we have an utter abhorrence to vice and crime, and despise such actions in our fellow beings as tend to debase the human family...

How long the present state of things will exist here is unknown, but we humbly trust that the time will shortly come when murders will cease and peace and quietness will be restored to this community...

CHIEF JUSTICE ECKLES' COURT.—We publish in this number the proceedings of the court in the First District at Nephi, during the first four days of the session...

See the advertisement of Dyer & Bro. In this column,—you who want stoves, sheet iron, etc., and remember our caution about prices.

New Advertisements.

ESTRAYS.

I have in my possession, a light red COW and CALF, no brands or marks visible. The owner is requested to prove property, pay charges and take her away.

A. S. BECKWITH.

Gold Pen Manufacturer.

JEWELER and STENCIL CUTTER, Gold Pens & Jewelry made to order. Stencils cut on short notice. Watch materials supplied to the trade on liberal terms.

LOST

A QUILT, checked chocolate and white; also a blue single BLANKET. Said things were lost on Saturday, 26th inst., on Jordan road, between the bridge and Father Pulpsher's...

TAKEN UP

ON the 17th instant, out of the grain in the Big Field, one yellow MARE, black mane and tail, three white feet, a little white upon her nose, branded O N with a figure like a V on the left thigh.

STRAY OR TAKEN UP

FROM the range near Lehi, in Utah Valley, about two months since, a brindle CO W, about 5 years old, with a young calf, some white about the flanks, white bushy tail, branded on the left shoulder, but not very visible.

CHEAP ENOUGH!! J. C. LITTLE & CO. HAVE just received a large consignment of choice WINES, LIQUORS, CIGARS, TOBACCO, &c.

THE CONSIGNEE being anxious to return to the States immediately, instructs us to close his stock at

EASTERN COST WITHOUT FREIGHT, WITH EXPENSES OF SALE ADDED. 40 YOKE OF CATTLE and a number of wagons to be disposed of at low figures.

NEW GOODS DYER & BROTHER. WOULD respectfully announce to the citizens of Salt Lake City and Valley, that we are now receiving and opening, next door north of Messrs. Gilbert & Gerrish, at Camp Floyd, our large stock of Merchandize...

100 COOK STOVES FOR SALE. 5000 LBS. SHEET IRON FOR SALE. WE have 150 YOKE OF CATTLE to sell or exchange FOR COUNTRY PRODUCE.

(REPORTED.)

FIRST JUDICIAL DISTRICT COURT.

MONDAY, Aug. 22, 1859.

Court met pursuant to appointment in the court house, Nephi city, Juab county, Hon. D. R. Eckles presiding. Mr. J. Banton being sworn as crier of the court by his honor, and received the necessary instructions as regarded his duties.

The Judge then read rules touching the duties of the clerk of the court, and also rules on process, attorneys, etc. The list of grand jurors summoned was called as follows. The venire having been issued by the judge in chambers, some weeks before:

- G. H. Cromery, H. Wall, G. H. Crossman, Jun, E. Emer, M. J. Wheeler, E. J. Hollman, David Cook, W. J. Larkins, John Needham, William Lent, Capt. J. Radford, James Rollins, Charles Sperry, John Hoyle, S. M. Taylor, Wm. Sheriff, Sam. Martin, Orin P. Parish, Joseph Taylor, E. M. Morgan, J. M. Wallace, R. Rollins, W. H. Warner, Josiah Miller, G. Lesly, T. J. Schofield, Ezra Strong, J. S. Hutchinson, with others.

E. J. Hollman and Wm. Sheriff were excused as jurors for cause.

Sam. Martin and David Cook exempt not being naturalized.

The Judge appointed Capt. J. Radford foreman of the grand jury, who was sworn; and those of the jury that were present were sworn by fours.

Geo. Lesly excused from attendance for cause. T. J. Schofield exempt, not being naturalized. Attachment ordered for the bodies of J. S. Hutchinson, T. P. McManners, R. H. Dyer, C. Gavin and F. Drum for not answering to summons as jurors.

W. G. Lurkins was made a citizen of the United States. Court ordered Marshal Kirk to summon talesman to fill vacancies in grand jury. Court took a recess till 2 p.m.

Court resumed its session. The Judge complained that officers of court were not punctual in their attendance.

The names of the grand jury were called and some being absent, court proceeded to other business.

Judge ordered the bailiff to bring in the bodies of the prisoners, McDonald, Bartholomew, Earl and others; also the bodies of J. Scott, J. Martin and others.

In the case of The People of the United States vs. J. Scott and J. Martin, the defendants not answering, Judge ordered their recognizance to be spread on record; and said, I shall enter rule against the marshal for the absence of these prisoners.

Rule spread on record. Case of people vs. Lysander Gee laid over.

The Court then ordered the bailiff to call G. P. Billings sheriff of San Pete county, who had the charge of the prisoner, Thos. Ivie. At this juncture the Judge received thro' a deputy, Sheriff Billings' memoranda, etc., which announced the escape of said prisoner.

The Judge said, I enter rule against Geo. P. Billings, sheriff of San Pete county, to be returnable on the 29th day of August 1859, to show reasons why he has not brought before this court the said prisoner, Thos. Ivie, according to writ issued by me.

Marshal Kirk being absent, the Judge instructed officers of court on punctuality of attendance, adding that Marshal Kirk may as well be at G. S. Lake city as in this town and not present.

The Judge then sent the bailiff after Marshal Kirk, and took a recess of about 15 minutes to allow time for the execution of the order.

Court resumed its session. When by order the names of the grand jurors were called by the marshal (not all present).

Judge then entered rule against John Hoyle, Josiah Miller who were not present to answer to their names when called, then ordered the marshal to furnish the clerk a list of the names of grand jurors and ordered clerk to issue writs of attachment against absent jurors to wit, John Hoyle and Josiah Miller, remarking that he had waited now one hour since the time of adjournment.

The court then appointed J. Bigler to act as bailiff for the grand jury.

Josiah Miller came into court, the Judge interrogated him as to the cause of his absence, when on receiving a sufficient excuse, discharged the writ of attachment issued against him.

The names of the grand jury were again called, all present. The list as filled was as follows:

- James Rollins, John Radford, William Lent, Henry Hall, John M. Wallace, M. Morgan Rdgar, Geo. H. Crossman, Jun, John Hoyle, Wm. J. Larkin, Wm. H. Warner, Charles Sperry, Thomas Gustin, Robert Rollins, Eisel Eimer, Charles W. Faust, Joseph Taylor, Sam. M. Taylor, Horace R. Howe, Matthew J. Wheeler, James Packan, Orin E. Parish, Josiah Miller, Geo. W. Harris, Geo. P. McFarlane.

Judge Eckles then delivered the following CHARGE TO THE GRAND JURY.

Gentlemen of the grand jury: The highest duty the citizen is called to perform in a country where common law prevails, is imposed upon him as a grand juror. No man in this country can be held to answer upon any criminal charge but upon the presentment or indictment of a grand jury; you have, therefore, very responsible duties to perform; in the discharge of them, it behooves you to discard every prejudice and partiality.

It is but natural, perhaps, situated as we are in this country, that you, in common with your fellow citizens, may have some sort of prejudice and prepossessions; but you should leave them out of doors; they should never enter the jury room. This is a duty you owe to yourselves, to the community and to your common country; as a

grand jury you will know nothing but the faithful discharge of your solemn duties.

The oath which you have just taken will be the sure guide to you in the discharge of your duties.—That you will diligently inquire into, and true presentment make of all offences committed within the jurisdiction of this court; you are diligently not lazily to enter upon your duties; diligently and carefully to examine each witness that shall be brought before you, that you may see how much and what he knows in relation to every matter touching your present service.

The next branch of your oath is that you will true presentment make of all such matters as shall be given you in charge by this court. This portion of your duty implies that it is the duty of the court to give you a charge, and in complying with this duty, I will give you in charge the laws of the federal as well as territorial legislatures prohibiting the various offences mentioned in them. Of the former those most likely to have been committed in this district are offences by disbursing officers and those connected with the post office department; it is the duty of disbursing officers to make payments in drafts, treasury notes or coin; the kind of funds provided for them must be disbursed by them.

If any of this class of officers have failed to do so, it is your duty to inquire into it, and report it to this court.

The entire community are interested in the faithful discharge of the duties imposed by the laws on postmasters and mail carriers; if you shall find any of these have been violated, I trust you will promptly inquire into it. The sooner such offenders are brought to justice, the better it will be for the people and the government.

One public officer can do more harm than twenty private persons, if found faithless or vicious; and I hope you will, by your course repel the old maxim as a slander, which says, that the law is a net intended to catch the little fish, while the big ones escape; by reporting both great and small, whoever they may be.

There is a gentleman now in custody as I am advised charged with forging drafts or checks on the treasury of the United States; I trust you will give your attention to this case at your earliest convenience. Such cases are entitled to precedence that the accused may have a speedy public trial.

The act of Congress makes it a felony to forge checks and drafts on the treasury; this offence, like larceny and most other felonies, may be committed by several persons, where men combine together to commit crime; the law regards all as principals who do any act in furtherance of the common design, and they are equally guilty although they may live in different counties. One may do an act, in one county, tending to the consummation of the crime, and another, some other act in furtherance of the same object in another county, until the offence is consummated, and in such case they are all answerable in the county where the offence is consummated, though but one of them may ever have been in such county.

The place at which the offence is perpetrated determines the venue and not that of the offender's residence. When you find an offence has been complete, you will bring the offenders before the court where the offence has been committed. [The Judge here described the boundaries of the 1st Judicial District, within which the inquiries of the jury were limited]—and said—Gentlemen of the grand jury, it is not necessary to detain you long in defining the various statutes creating offences. Should you at any time have need for the advice or opinions of the court you have the right to them, and they will be given to you at any time.

I will, however, give to you in charge specially some of the offences created by the Legislature of the Territory and the punishments affixed to them. Among the most important of these is the crime of murder.

[Here the Judge read the statute against murder, and explained to the jury the distinction between murder in the first and second degree, and manslaughter and offences of duelling, seduction, rape, &c.]

The laws are applicable to every class of offenders in the community except to such places as are under the exclusive jurisdiction of the United States; and for offences in such places the offenders are unanswerable under the acts of Congress in this court, sitting as District Court of the United States.

It is the duty of the Government to give protection to rights of persons and property. In England and many other countries men are said to cede away certain of their rights for the better security of the rest of them; but this is not true of this country. Ours is a political partnership formed for the purpose of securing to each citizen the enjoyment of his entire rights. Every American is an independent sovereign, and it is his duty to see that every man is protected in the enjoyment of these rights; indeed, our institutions are a mutual protection society to secure the rights of each member of it against the deprivation of his rights; so, gentlemen, while you use every exertion in your power to bring offenders to justice, you will, at the same time, act as protectors to the innocent.

You have nothing to do with punishment affixed to offences that more particularly belongs to the petty jury.

Common rumor says that there has been a great many crimes committed within the limits of this district for which the offenders have not been brought to justice.

Now, although these rumors should not govern you in your deliberations, it gives us reason to believe that quite a number of serious offences have been perpetrated which should come under your notice, and I shall be pleased to see the offenders brought to justice.

Man should be allowed to pass through life in peace, free from violence or molestation, to be as happy as he can in this world of care and turmoil; and he that would assume the high prerogative of God in inflicting judgment on his fellow man is liable to the vengeance of that God and the offended laws of his country.

In reference to the crime of duelling you will see that at every step that can be taken every person concerned, whether as principal or in any other capacity, all are guilty of an offence, and I really think that those who aid and abet are often more guilty than the principals. For, as in cases of murder, the principal actor may be the victim of momentary and excited passion; while those who aid, abet and encourage it, are acting coolly and deliberately.

When a person kills another under the influence of momentarily excited passion, he cannot be regarded as